



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,605	07/30/2001	Anthony F. Istvan	20643/1205190-US4Digeo 17	3132
60539	7590	11/15/2006	EXAMINER OSMAN, RAMY M	
DARBY & DARBY, PC P.O. BOX 5257 NEW YORK, NY 10150-5257			ART UNIT 2157	PAPER NUMBER

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,605

Applicant(s)

ISTVAN, ANTHONY F.

Examiner

Ramy M. Osman

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This communication is responsive to amendment filed on September 20, 2006, where applicant amended claims 1, 11, 12, 15, 16, 20, 24, 25, 28, 31,34, 36, 38, and 39. Claims 1-39 are pending.

Response to Arguments

2. Applicant's arguments filed 9/20/06 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ellis et al (US Patent Application No 2005/0251827).

Claim Objections

3. Claim 1 objected to because of the following informalities: On line 7, change "the system" to "a client system". Appropriate correction is required. Applicant is requested to correct any further occurrence of this informality.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-4,7-11,15,16,18-20,22-24,31,32,34,35,38,39 rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al (US Patent Application No 2005/0251827).**

Art Unit: 2157

6. In reference to claims 1,11,20,38, Ellis teaches a system, method, machine readable medium, and an apparatus to view multimedia content, all respectively comprising:

a broadcast center capable of being communicatively coupled to a network (§ 59 and Figure 1); and

a plurality of client systems coupled to the broadcast center (§ 72 lines 1-16, § 62,63 and Figure 1),

wherein the plurality of client systems are in a household (§ 69),

wherein the plurality of client systems are logical extensions of each other (§ 73),

wherein the household is configurable to comprise a plurality of user objects, wherein a user accesses the system by logging on to a one of the user objects (§ 91 and 94),

wherein a client system of the plurality of client systems is configured to be selectively accessed by a user to change a configuration of a user object of the plurality of user objects that is related to a favorites setting (§ 69 and 107), and

wherein the system is configured to provide the change of the configuration of the user object related to the favorites setting to all of the client systems of the plurality of client systems without further activity from the user (§ 8, 98 and 100 lines 9-15).

7. In reference to claim 2, Ellis teaches the system of claim 1 wherein the system is configurable to selectively add a new client system to the plurality of client systems, the system being configured to provide the plurality of user objects, including the favorites setting, to the new client system without activity from a user (§ 129-130).

Art Unit: 2157

8. In reference to claim 3, Ellis teaches the system of claim 1 wherein a user object of the plurality of user objects can be concurrently active in more than one client system of the plurality of client systems (§ 93-94).

9. In reference to claim 4, Ellis teaches the system of claim 1, further comprising a server operatively coupled to the plurality of client systems, wherein the server is configured to include information related to each user object of the plurality of user objects, including the favorites setting (§ 74 and 77).

10. In reference to claims 7,22, Ellis teaches the system and machine readable medium of corresponding claims 4,20 wherein the server is capable to provide configuration changes to the plurality of client systems in response to a request for the configuration changes sent from at least one of the client systems (§ 8, 98 and 100 lines 9-15).

11. In reference to claims 8,23, Ellis teaches the system and machine readable medium of corresponding claims 4,20 wherein, independent of a request from any one of the client systems, the server is capable to provide configuration changes to the plurality of client systems if such configuration changes are received by the server from at least one of the client systems (§ 8, 98 and 100 lines 9-15).

12. In reference to claim 9, Ellis teaches the system of claim 1 wherein the favorites setting includes an address associated with the network (§ 129).

13. In reference to claim 10, Ellis teaches the system of claim 1 wherein the favorites setting includes a television channel (§ 112-114).

14. In reference to claim 24, Ellis teaches the machine readable medium of claim 21 wherein the configuration information includes values for a plurality of configuration parameters, at least one of the configuration parameters being related to the favorites setting, to:

set a bit in a bit vector, the bit vector having a plurality of bits each being associated to a corresponding configuration parameter of the user object, wherein the set bit indicates the configuration parameter associated with the received configuration information and is related to the favorites setting; and provide the bit vector to one of the access devices (§ 79).

15. In reference to claims 15,31,39, Ellis teaches a control system and a method to provide access to content in a multimedia communication network system having a plurality of access devices, the control system comprising:

a server to receive configuration information related to a user object from a user via an access device of the plurality of access devices (Abstract and § 69 and 107),

wherein the configuration information defines multimedia content that can be accessed via instantiation of the user object in the access device (Abstract and § 69 and 107),

wherein the configuration information further defines at least one favorites setting for that access device (§ 112-114, 129-130), and

wherein the server is capable to provide the received configuration information, including the favorites setting, to another access device of the plurality of access devices (§ 8, 98 and 100 lines 9-15).

16. In reference to claims 16,32, Ellis teaches the control system and method of respective claims 15,31, wherein the server is further capable to receive revised configuration information related to the user object via one of the access devices of the plurality of access devices, the

Art Unit: 2157

revised configuration information including a revision to the favorites setting, and to provide the received revised configuration information, including the revision to the favorites setting, to all of the access devices of the plurality of access devices (§ 8, 98 and 100 lines 9-15).

17. In reference to claims 18, Ellis teaches the control system of claim 16 wherein the server is capable to provide the revised configuration information including the revision to the favorites setting to the plurality of access devices in response to a request for the revised configuration information sent from at least one of the access devices (§ 8, 98 and 100 lines 9-15).

18. In reference to claim 19, Ellis teaches the control system of claim 16 wherein, independent of a request from any one of the access devices, the server is capable to provide the revised configuration information including the revision to the favorites setting to the plurality of access devices if such revised configuration information is received by the server from at least one of the access devices (§ 8, 98 and 100 lines 9-15).

19. In reference to claim 34, Ellis teaches an apparatus to coordinate settings to access content available via an interactive video casting system having a plurality of channels and at least one user object, the system having connectivity to a plurality of access devices and capable to provide the plurality of access devices with access to a communication network, the apparatus comprising:

a server located in the system and capable to communicate with each access device in the plurality of access devices via a communication protocol suitable to each access device (§ 59,72 and Figure 1),

wherein the server is capable to receive configuration information related to a one of the user object from a user via one of access device of the plurality of access devices according to

Art Unit: 2157

the communication protocol for that access device, wherein a user accesses the system by logging on to any of the user object(s) (Abstract, ¶ 8,91 and 94),

wherein the configuration information defines multimedia content that can be accessed via instantiation of one of the user object(s) in the access device, wherein the configuration information further defines at least one favorites setting for that access device (column 1 lines 30-55 and column 3 lines 10-55),

wherein the at least one favorites setting includes an address associated with a location in the communication network where the content can be accessed by the access device or including a channel among the plurality of channels of the system (¶ 69,107 and 112-114),

wherein the server is capable to provide the configuration information received from the access device, including the favorites setting having the address or the channel, to another access device of the plurality of access devices without further activity from the user according to a communication protocol suitable to that access device (¶ 8, 98 and 100 lines 9-15).

20. In reference to claim 35, Ellis teaches the apparatus of claim 34 wherein, independent of a request from any one of the access devices, the server is capable to provide the revised configuration information including the revision to the favorites setting to the another access devices if such revised configuration information is received by the server (¶ 8, 98 and 100 lines 9-15).

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 5,6,12-14,17,21,25-30,33,36,37 rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US Patent Application No 2005/0251827) in view of Zollinger et al (US Patent No 6,321,236).

23. In reference to claims 5,12, Ellis teaches the system, method of corresponding claims 4,11. Ellis fails to explicitly teach wherein the server is configured to include a revision history, the revision history being configurable to include information related to configuration changes of the plurality of user objects, including changes to the favorites setting. However, Zollinger teaches revision history related to changes in a database for the purpose of tracking changes in the database and distributing the changes to clients (Abstract, column 11 lines 45-67 and column 13 lines 1-18). It would have been obvious for one of ordinary skill in the art to modify Ellis wherein the server is configured to include a revision history, the revision history being configurable to include information related to configuration changes of the plurality of user objects, including changes to the favorites setting as per the teachings of Zollinger for the purpose of tracking changes in the database and distributing the changes to clients.

24. In reference to claims 6,13,14,21, Ellis teaches the system, method, and machine readable medium corresponding to claims 5,12,20. Ellis fails to explicitly teach wherein the revision history includes a ticket number associated with each configuration change that is included in the

Art Unit: 2157

revision history. However, Zollinger teaches revision history including version identifiers related to changes in a database for the purpose of tracking changes in the database and distributing the changes to clients (Abstract, column 11 lines 45-67 and column 13 lines 1-18). It would have been obvious for one of ordinary skill in the art to modify Ellis wherein the revision history includes a ticket number associated with each configuration change that is included in the revision history as per the teachings of Zollinger for the purpose of tracking changes in the database and distributing the changes to clients.

25. In reference to claims 17,33, Ellis teaches the control system and method of respective claims 16,32. Furthermore, Zollinger teaches wherein the server is capable to assign a ticket number to the revised configuration information and to store the ticket number in a revision history (Abstract, column 11 lines 45-67 and column 13 lines 1-18), based on the above mentioned rationale.

26. In reference to claims 25,28, Ellis teaches an update method, machine readable medium to respectively provide configuration information related to user object of a multimedia communication network system having a plurality of access devices, the configuration information including values for a plurality of configuration parameters, at least one of the configuration parameters being related to a favorites setting, the method comprising:

receiving a portion of the configuration information including the favorites setting via an access device of the plurality of access devices (Ellis, Abstract and ¶ 8,69,98 and 107);

Ellis fails to explicitly teach assigning a ticket number to the received portion of the configuration information; storing the ticket number in a revision history; and providing the ticket number to the access device.

However, Zollinger teaches revision history, including version identifiers, related to changes in a database for the purpose of tracking changes in the database and distributing the changes to clients (Abstract, column 11 lines 45-67 and column 13 lines 1-18). It would have been obvious for one of ordinary skill in the art to modify Ellis assigning a ticket number to the received portion of the configuration information; storing the ticket number in a revision history; and providing the ticket number to the access device as per the teachings of Zollinger for the purpose of tracking changes in the database and distributing the changes to clients.

27. In reference to claims 26,29, Ellis teaches the update method, machine readable medium of respective claims 25,28, further comprising:

setting a bit in a bit vector, the bit vector having a plurality of bits each being associated to a corresponding configuration parameter of the user object, wherein the set bit indicates the configuration parameter associated with the received configuration information and is related to the favorites setting; and providing the bit vector to the access device (Ellis, ¶ 79).

28. In reference to claims 27,30, Ellis teaches the update method, machine readable medium of respective claims 26,29, further comprising providing the portion of the configuration information to a second access device of the plurality of access devices (Ellis, ¶ 8, 98 and 100 lines 9-15).

29. In reference to claim 36, the claim is taught by Ellis in view of Zollinger and is rejected based on the same rationale used to reject claims 25 and 34.

30. In reference to claim 37, the claim is taught by Ellis and is rejected based on the same rationale used to reject claim 35.

Art Unit: 2157

Conclusion

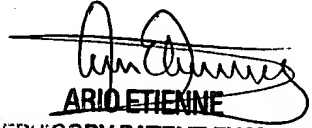
31. Applicant is advised that the above specified citations of the relied upon prior art are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, and claims) is implied as being applied to teach the scope of the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO
November 2, 2006


ARIO ETIENNE
PATENT EXAMINER
UNITED STATES PATENT AND TRADEMARK OFFICE